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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/173,040
Filing Date: October, 15 1998
Appellant(s): MADALOZZO JR, JOHN

Volel Emile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/9/2006 appealing from the Office action mailed 12/7/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of the claimed invention in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The grounds of rejection contained in the brief are correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

USPat.# 6,324,553, Cragun (11/2701, filed on 11/26/97).

USPat.# 5,991,781, Nielsen (11/23/1999, filed on 9/27/1996)

(9) *Grounds of Rejection*

Art Unit: 2178

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The rejections of claims 3, 5, 8, 10, 13, 15, 18, 24, and 27 rejected under 35 U.S.C. 112, first, and second paragraph, have been withdrawn as necessitated by the cancellation of these claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 9, 11, and 14, 16-17, 19-23, and 25-26 remain rejected under 35 U.S.C. 102(e) as being anticipated by Cragun (Pat. # 6,324,553, 11/2701, filed on 11/26/97).

Regarding independent claim 1, Cragun teaches the selective halting of images in HTML pages as desired by a user while the image is being displayed. The pages have *text*, and graphic *images*, which are loaded, and *displayed* into a browser (col. 1, line 47-col.2, line 37, fig.14A-B).

Furthermore, Cragun teaches a user selecting an image, displayed on a screen, that the user desires to be blocked. The image, which is displayed on the screen, is blocked in response to the selection (col.2, lines 27-37, col.14, lines 35-67, fig.14A-B)—*independently halting the*

Art Unit: 2178

display of said image file, while the image file is being displayed on the screen, if said image file is not of interest.

Regarding claim 4, which depends on claim 1, Cragun teaches using a blocking list to block or stop the downloading, present, and subsequent display of the image (col.2, lines 27-37, col.12, lines 35-67, fig.14A-B)—*stopping downloading data representing said image file to said display system.*

Claims 6, 9 are directed towards an apparatus for controlling, and implementing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Claims 11, and 14 are directed towards a computer program product having computer program code for storing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Regarding independent claim 16, Cragun teaches the retrieval, and display of pages containing *text*, and graphic *images*, which are loaded, and *displayed* into a browser (col. 1, line 47-col.2, line 37, fig.14A-B).

Furthermore, Cragun teaches a user selecting an image, and subsequently causing the creation of a blocking list to block or stop the downloading, present, and subsequent display of the image (col.2, lines 27-37, col.12, lines 35-67, fig.14A-B)—*independently stopping, while*

Art Unit: 2178

said document is being downloaded, the download of said image file, if said image file is not of interest to a user.

Regarding claim 17, which depends on claim 16, Cragun teaches a user selecting an image, and subsequently causing the creation of a blocking list to block or stop the downloading, present, and subsequent display of the image. The image is displayed using a user-specified delay in seconds, and then it is hidden or blocked from user's view (col.2, lines 27-37, col.11, lines 32-40, col.12, lines 35-67, fig.14A-B)—*halting the display of said image file while said image is being displayed.*

Claims 19-21 are directed towards a computer program product having computer program code for storing the steps found in claims 16-17, and 3 respectively, and therefore are similarly rejected.

Claims 22-23 are directed towards an apparatus for implementing the steps found in claims 16-17 respectively, and therefore are similarly rejected.

Claims 25-26 are directed towards an apparatus for implementing the steps found in claims 16-17 respectively, and therefore are similarly rejected.

4. Claims 1, 4, 6, 9, 11, 14, 16-17, 19-20, 22-23, and 25-26 remain rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (Pat. # 5,991,781, 11/23/1999, filed on 9/27/1996).

Regarding independent claim 1, Nielsen teaches the *displaying* of a mapped *image*, and *text* to indicate hyperlinks to other information (col. 3, line 21-34).

Furthermore, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64)—*independently halting the display of said image file, while the image file is being displayed* on the screen, *if said image file is not of interest*. As a result of stopping the image from downloading and displaying, the time required for displaying web pages is reduced.

Regarding claim 4, which depends on claim 1, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64) —*stopping downloading data representing said image file to said display system*.

Claims 6, and 9 are directed towards an apparatus for controlling, and implementing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Claims 11, and 14 are directed towards a computer program product having computer program code for storing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Art Unit: 2178

Regarding independent claim 16, Nielsen teaches the downloading, and *displaying* of a mapped *image*, and *text* to indicate hyperlinks to other information (col. 3, line 21-50).

Furthermore, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64) —*independently stopping, while said document is being downloaded, the download of said image file, if said image file is not of interest to a user*. As a result of stopping the image from downloading and displaying, the time required for displaying web pages is reduced.

Regarding claim 17, which depends on claim 16, Nielsen teaches the invoking of a command to stop the image download, and display of the image, which take significant amount of time to display, and displaying the text in its stead (col. 3, line 28-64)—*halting the display of said image file while said image is being displayed*.

Claims 19-20 are directed towards a computer program product having computer program code for storing the steps found in claims 16-17, and therefore are similarly rejected.

Claims 22-23 are directed towards an apparatus for implementing the steps found in claims 16-17, and therefore are similarly rejected.

Claims 25-26 are directed towards an apparatus for implementing the steps found in claims 16-17, and therefore are similarly rejected.

(10) Response to Argument

Regarding claims 1, 6, and 11, the Appellant notes Cragun does not anticipate the halting of an image, while it is being displayed (page 4). The Examiner disagrees, because Cragun teaches the selective disabling of images, which are being displayed on a web page browser (col.2, lines1-12, 27-37, fig.14A-B). As shown, in fig.4A the image "Play the Lottery" is being displayed on the web browser. Then, the user decides to block or halt the display of this image by selecting a pop up menu. The image is halted or blocked from being displayed on the browser as indicated on fig.14B, that shows the missing figure.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the invention specifically stated 'independently halting the display of an image, while the image is being displayed.' This implies that image halted has not totally been displayed on the screen. In fact, Claim 4 which includes the limitations of halting displaying said image file includes the step of stopping downloading data representing said image file to said display system, which is dependent on Claim 1, illustrates this point" page 5, parag.2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner does not find this language to be explicitly or

Art Unit: 2178

implicitly in the claim language. Halting an image being displayed is not equivalent to the halting of an image that is partially being displayed from being fully displayed on the screen.

Claims 4, 9, 14, 18, 17 19- 23, 25 and 26 are rejected at least based on the same rationale above.

Regarding claims 1, 4, 6, 9, 11, 14, 16-17, 19-20, 22-23, and 25-26, the Appellant notes that Nielsen does not anticipate the halting of an image, while it is being displayed (page 4). The Examiner disagrees, because Nielsen teaches stopping the downloading of an image by using the “Stop” feature in a browser (col.3, lines 36-39). This well-known feature is similar to the “Stop” button feature found in browsers in the art, such as Microsoft Internet Explorer®, Netscape ©, etc. which allows a user to stop the display, and downloading of image by displaying partially displayed imaged, and web page.

(11) Related Proceeding(s) Appendix

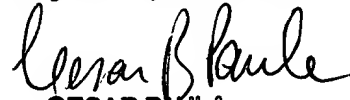
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 2178

Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,



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PRIMARY EXAMINER
Cesar B. Paula
November 11, 2006



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